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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,078	01/31/2006	Akihiko Yazaki	59036US004	2192
32692 7590 09/24/2008 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER PATEL, BHARAT C	
			ART UNIT	PAPER NUMBER
			3724	
			NOTIFICATION DATE	DELIVERY MODE
			09/24/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,078	<b>Applicant(s)</b> YAZAKI ET AL.	
	<b>Examiner</b> BHARAT C. PATEL	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a Final Office action in response to communication received on 6/30/08. Claims 1 and 7 are amended. Therefore, claims 1-2 and 7 are pending and addressed below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mansfield 5,838,850.

Re claim 1, Mansfield discloses an optical fiber cleaving device 33 comprising a base section per Fig. 4, a pair of clamp sections 34 & 36, provided on said base section per Fig. 4 and spaced at a predetermined distance from each other for supporting an unsheathed optical fiber 11 extending there between per Fig. 5A & 5B, a blade section 41 provided movably relative to said base section (movement direction shown as 42) per Fig. 4 and including an edge capable of being disposed at a fiber cleaving position defined between said clamp sections 34 & 36 per Fig. 5A & 5B, and a pusher section 40 provided movably relative to said base section independently of said blade section 41 and including a pushing face 38 capable of being disposed at said fiber cleaving position per Fig. 4, 5A & 5B, wherein: said optical fiber cleaving device 33 comprises an auxiliary support section as shims between 34 or 24 and 36 or 26 mounted on 33 per

Art Unit: 3724

Fig. 11, provided separate from the clamp sections per col. 13, lines 40-67, and movably relative to said base section independently of said blade section and said pusher section per Fig. 3A & 4 [col. 5, lines 4-7; & col. 6, Lines 5-59], and capable of being disposed at an operable position for supporting an unsheathed optical fiber in cooperation with said clamp sections. It should be noted that the auxiliary support is created by adding shims per col. 14, lines 18-28. The shims are separate parts attached between the clamping pad and the side wall which moves along with the clamping pad. Mansfield also discloses that said auxiliary support section with shims and 34/36 or 24/26 combination, includes a fiber support face on the surface of 34 & 36 (or 24 & 26) locally located between said clamp sections at said operable position [col. 13, lines 40-55], said fiber support face being so arranged as to come in contact with a local length of an unsheathed optical fiber 11 extending between said clamp sections 34 & 36, the local length being located away from said fiber cleaving position per Fig. 5A [col. 6, lines 22-29].

Re claim 2, Mansfield discloses that said auxiliary support section 34 & 36 vs. 24 & 26 comprises a thin plate member 34, 36, including said fiber support face, a relief area formed (area between inboard edges of 34 & 36) adjacent to said fiber support face so as to be free of contact with a second local length (different length formed due to change in size for 24 & 26 plates) of said unsheathed optical fiber 11 located at said fiber cleaving position, and a holdable area (contact area of second base and cover surface contacting 34 & 36] formed adjacent to said fiber support face so as to be supported by said clamp sections 34 & 36 together with said unsheathed optical fiber.

Re claim 7, Mansfield discloses a method for cleaving optical fibers, wherein the method comprises: providing a pair of clamp sections 34 & 36 capable of respectively supporting an unsheathed optical fiber 11, and spacing said clamp sections at a predetermined distance from each other per Fig. 3A & 4; providing an auxiliary support member 24/26 or 34/36 and or shims separate from the clamp sections including a fiber support face capable of supporting an unsheathed optical fiber 11 in cooperation with said clamp sections per; It should be noted that the auxiliary support is created by adding shims per col. 14, lines 18-28. The shims are separate parts attached in between the clamping pad and the side wall which moves along with the clamping pad. Mansfield also discloses that the method of supporting an unsheathed optical fiber on said clamp sections so as to extend between said clamp sections 34 & 36; securely arranging said auxiliary support member relative to said clamp sections in a manner that said fiber support face come in contact with a first local length (formed by 24/26) of said unsheathed optical fiber extending between said clamp sections; locally scribing a surface of a target point in a second local length (formed by 34/36) of said unsheathed optical fiber, adjacent to said first local length, between said clamp sections in a direction generally perpendicular to an axis of said unsheathed optical fiber; and applying a pushing force to said second local length of said unsheathed optical fiber in a radial direction between said clamp sections, so as to cleave said unsheathed optical fiber at said target point per Fig. 4, 5A-C, 7A-C.

***Response to Arguments***

Art Unit: 3724

4. Applicant's arguments filed on 6/30/08 have been fully considered but they are not persuasive. In the remarks, Applicant argues that Mansfield does not disclose the claimed "auxiliary support section". Examiner respectfully disagrees. Mansfield discloses an auxiliary support section as shims between 34 or 24 and 36 or 26 mounted on 33 per Fig. 11, provided separate from the clamp sections per col. 13, lines 40-67, and movably relative to said base section independently of said blade section and said pusher section per Fig. 3A & 4 [col. 5, lines 4-7; & col. 6, Lines 5-59]. It should be noted that the auxiliary support is created by adding shims per col. 14, lines 18-28. The shims are separate parts attached between the clamping pad and the side wall which moves along with the clamping pad. Mansfield also discloses that said auxiliary support section with shims and 34/36 or 24/26 combination, includes a fiber support face on the surface of 34 & 36 (or 24 & 26) locally located between said clamp sections at said operable position [col. 13, lines 40-55]. Therefore, Examiner maintains that Mansfield does teach & suggest this limitation.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3724

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724

Application/Control Number: 10/595,078

Page 7

Art Unit: 3724

September 17, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724